



41
S&H Form: (2/01)

Docket No.: 1293.1217

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Heui-jong KANG et al.

Serial No. 09/876,150

Group Art Unit: 2621

Confirmation No. 6721

Filed: June 8, 2001

Examiner: Dang, Duy M.

For: APPARATUS FOR AND METHOD OF TRANSMITTING OPTICAL SIGNAL OF
GRAPHIC SIGNAL

RECEIVED

SEP 23 2004

Technology Center 2600

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed August 25, 2004, having a shortened period for response set to expire on September 25, 2004, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect claims 1-26 and 28-30 which are drawn to Group I in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group II is concerned, it is believed that claim 27 is so closely related to elected claims 1-26 and 28-30 of Group I that they should remain in the same application. The elected claims 1-26 and 28-30 of Group I are drawn to an apparatus and method of transmitting and receiving a graphic signal and claim 27 of Group II is directed to an apparatus of recovering a graphic signal comprising a phase lock loop, a shift register, a demultiplexer, an ECC decoder and a decompressor. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and apparatus claims in the same field of technology. While it is noted that the Examiner has identified different classifications for a subject matter of transmitting and receiving image compression and a subject matter of error correction decoder, it is believed that classification is not conclusive on the question of restriction. It is believed, moreover, that

evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II, claim 27, by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the apparatus recited by claims of the Group I as compared to the apparatus claim of Group II, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: SEP. 21, 2004

By: 

James G. McEwen
Registration No. 41,983

1201 New York Ave, N.W.
Ste. 700
Washington, D.C. 20005
(202) 434-1500